

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUC ROBERT BERNARD,

Plaintiff,

-against-

CARE DESIGN N.Y.; CEO JIM MORAN,

Defendants.

20-CV-1527 (LJL)

ORDER OF SERVICE

LEWIS LIMAN, United States District Judge:

Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue summonses as to Defendants Care Design N.Y. and C.E.O. Jim Moran. Plaintiff is directed to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses. If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

Plaintiff has filed an application for the Court to request *pro bono* counsel. (ECF No. 3.) The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, the Court denies Plaintiff's application to request *pro bono* counsel without prejudice to renewal at a later date.

Plaintiff is directed to the Court's "Individual Practices in Civil Cases", "Emergency Individual Rules and Practices in Light of COVID-19", and "Notice to Pro Se Parties re. Email Filing During COVID-19 Emergency", all of which are available on the Court's website at: <https://nysd.uscourts.gov/hon-lewis-j-liman>.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further directed to issue summonses as to Defendants Care Design N.Y. and C.E.O. Jim Moran.

The Court denies Plaintiff's application for the Court to request *pro bono* counsel (ECF No. 3) without prejudice to renewal at a later date.

SO ORDERED.

Dated: 4/29/2020
New York, New York



LEWIS LIMAN
United States District Judge